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Paper No. 5

**COPY MAILED**

**JUN 3 0 2003**

In re Application of:  
Jeffrey A. Rapaport, Seymour A.  
Rapaport, Jeffrey E. Clarke, Eric  
R. Reinhart and Michael U. Bergens  
Application No. 10/058,154  
Filed: January 25, 2002  
Title of Invention: ADAPTIVE  
COMMUNICATION METHODS AND SYSTEMS  
FOR FACILITATING THE GATHERING,  
DISTRIBUTION AND DELIVERY OF  
INFORMATION RELATED TO MEDICAL CARE:

**OFFICE OF PETITIONS**

DECISION REFUSING  
STATUS  
UNDER 37 CFR 1.47(a)

This is in response to the Petition Under 37 CFR 1.47(a), filed on April 9, 2003, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. **FAILURE TO RESPOND WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.** The reconsideration request should include a

Background

The above-identified application was filed on January 25, 2002, without a fully executed oath or declaration. Accordingly, on February 25, 2002, a "Notice to File Missing Parts of Nonprovisional Application" (hereinafter "Notice"), was mailed to Petitioner. The Notice required, in relevant part, a properly executed oath or declaration. Applicant was given two-months from the date of the Notice within which to file a fully executed oath or declaration.

In response to the Notice, Petitioner files the instant petition noting that declarations signed by four of the five inventors either accompanies the petition or were filed earlier. However, a review of the file reveals that the only declaration therein was filed with the application on January 25, 2002, and contains the signatures of only two inventors.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the

application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

An oath or declaration in compliance with 37 CFR 1.63, or a supplemental oath or declaration in compliance with 37 CFR 1.67, is required.

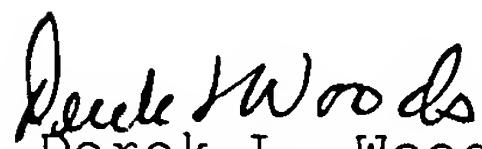
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

By FAX: (703) 308-6916  
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23  
2201 S. Clark Place  
Arlington, VA 22202

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

  
Derek L. Woods  
Petitions Attorney  
Office of Petitions